

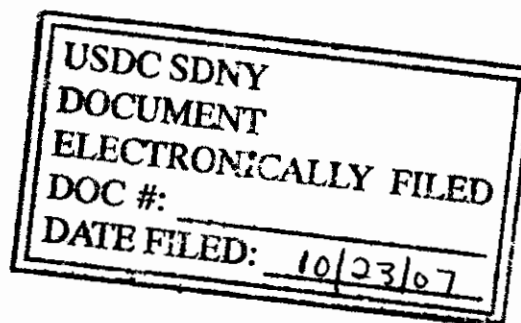
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October 23, 2007

BY FACSIMILE ONLY

The Honorable Judge Denny Chin
United States District Judge
United States District Court
Southern District Of New York
United States Courthouse
500 Pearl Street
New York, New York 10007



Re: Dr. Jack Silver v. North Shore Univ. Hosp. et al.
05 Civ. 6844 (DC)(GWG)

Dear Judge Chin:

We represent Jack Silver, Ph.D. We write in advance of tomorrow's final pre-trial conference to address an issue that has arisen in connection with trial. Specifically, we write to request that the Court adjourn the trial for three to four weeks – however, if the Court cannot accommodate this request we request that the trial proceed as scheduled on Monday, October 29th.

At trial, Dr. Silver intends to call his wife, Sanna Goyert, Ph.D., who will testify to, among other things, the emotional toll Dr. Silver's termination had upon him. On Friday, October 19th we learned that Dr. Goyert must have emergency hip replacement surgery tomorrow due to the excruciating pain that she is experiencing. Because of this surgery, Dr. Goyert is expected to remain hospitalized until Saturday, and will be confined to the home for approximately two weeks.

In connection with this matter, we spoke this morning with her doctor's office. We learned that Dr. Goyert will not be able to travel to court, and will not be able to provide any testimony (e.g., a deposition from her home) because of the heavy amount of narcotics that she will be prescribed to address the post-operative pain associated with the surgery. Moreover, we

LAW OFFICES OF DANIEL S. BRAVERMAN

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Page -2-

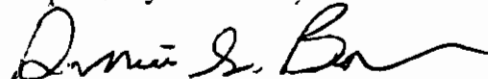
learned that she will be in this condition for at least two weeks (assuming no post-operative complications).

Dr. Goyert's surgery not only impacts upon her unavailability as a witness at trial. As the Court can imagine, Dr. Silver is deeply concerned about his wife's well-being. We note however, that Dr. Silver does not make this request lightly. He wants nothing more than to have this action proceed to trial as expeditiously as possible. For this reason, he only seeks a three to four week adjournment; in fact, if the Court cannot accommodate this request, then he (we) requests that the trial proceed as scheduled. If this occurs, however, then we request an order precluding the defendants from commenting in any form regarding Dr. Goyert's absence from the trial to prevent the prejudice that will ensue if the defendants are permitted to invite the jury to conclude, among other things, from her absence that Dr. Silver's evidence regarding his psychological injuries are not credible, as well as an instruction from the Court explaining that Dr. Silver's wife was unavailable to testify because of a medical emergency.

Finally, we have just raised this issue with defendants' counsel. Understandably, they are not in a position to provide a response at this juncture

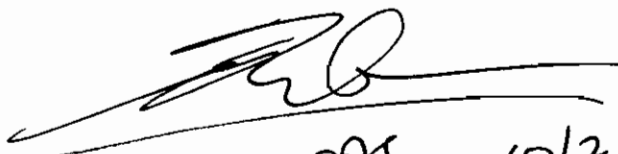
Thank you for Your Honor's attention to these matters. We look forward to discussing this matter, among others, with the Court and counsel at tomorrow's conference.

Respectfully submitted,


Daniel S. Braverman (DB-9423)
Scott A. Korenbaum (SK-8305),
Of Counsel

cc: Shaffin Dato, Esq. (by facsimile only)

The application to adjourn the trial is DENIED. The request for alternative relief will be discussed at the conference tomorrow. SO ORDERED.


WSDS 10/23/07